

Title 194 - Department of Environmental Quality

Chapter 9 - FEES AND SURCHARGES

001 License Processing Fees.

001.01 A fee shall be assessed from the license applicants to process, issue or amend the licenses. A license shall not be issued to the applicant until the fees, assessed by the department, have been paid. If the applicant fails to pay to the department any applicable fees or surcharges, the department may suspend processing the license application.

001.02 In determining the fees, the department shall calculate and itemize the direct costs associated with license evaluation, processing, and monitoring, including application review, meetings and correspondence with the license applicant, license research and drafting time, necessary travel, technical and administrative review of the drafted license, clerical preparation of the license and related tasks, advertising costs for public notice, review of public comments, hearing costs, license processing fee billing, and final license issuance. The department shall apply the current indirect rate to its total direct wages and salary expenses. This method is the approved agency-wide procedure for recovering indirect costs from its federal programs.

001.03 The department shall maintain itemized records of staff time and costs incurred in the processing of a license application. License processing fees shall apply without regard to whether a license is issued, denied or requested to be inactivated prior to issuance or thereafter.

001.04 Fees.

001.04A An application for a license shall be accompanied by a filing fee of two-hundred seventy-five thousand dollars (\$275,000.).

001.05 All fees and surcharges shall be made payable to the State of Nebraska.

001.05A Except as provided in 004, 005 and 006 below, any fees or surcharges collected pursuant to this section shall be deposited into the Low-Level Radioactive Waste Cash Fund.

001.05B The Low-Level Radioactive Waste Cash Fund shall be administered by the department.

001.05C Where the fees assessed in accordance with 001.02 above are less than the filing fee set forth in 001.04 above, the department shall refund the balance to the applicant.

001.05D Where the fees assessed in accordance with 001.02 above exceed the filing fee set forth in 001.04 above, the applicant shall be billed the balance.

002 Annual License Administration Fees.

002.01 An annual administration fee shall be assessed to the licensees based upon direct and indirect costs.

002.02 In determining the annual fees, the department shall calculate and itemize the cost of monitoring the licensed facility, inspections of the facility or other site visits, reviewing the compliance of the facility with the associated license conditions, general legal costs incurred by the department, or other tasks related to administering the license program.

002.03 The department shall maintain itemized records of staff time and costs incurred in

the administration of a license.

002.04 An annual fee of \$200,000. shall be made payable to the State of Nebraska and shall be due July 1.

002.04A Where the fees assessed in accordance with 002.02 above are less than the fee set forth in 002.04 above, the department shall refund the balance to the licensee.

002.04B Where the fees assessed in accordance with 002.02 above exceed the fee set forth in 002.04 above, the licensee shall be billed the balance and shall pay the balance within 30 days of receipt.

003 Surcharges to cover the annual budget of the Central Interstate Low-level Radioactive Waste Compact Commission (reserved).

004 Local Site Selection Committees' Fees.

The notification required by Chapter 11, 001.01 shall be accompanied by any fee required by the Act and shall be payable to the "State of Nebraska Local Site Selection Cash Fund". Any unexpended balance shall be remitted to the developer.

005 Local Monitoring Committee Fees.

By January 15, of each calendar year, the developer shall pay a fee as determined by the director consistent with Nebraska Statutes and any legislative appropriation(s) payable to the "State of Nebraska Local Monitoring Committee Cash Fund".

006 Surcharges for Community Improvements Cash Fund.

006.01 When the facility begins operation, the licensee shall levy, collect, and remit to the department a surcharge on the rates charged to users of the facility which is sufficient to raise two million dollars per year for the Community Improvements Cash Fund together with any adjustments as described in 006.02 below.

006.02 On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the licensee by an amount equal to the Percentage increase in the Consumer Price Index (CPI) or, if publication of the CPI is discontinued, by a comparable index selected by the director.

006.03 The Community Improvements Cash Fund shall be under the direction of the department.

007 Failure to pay fees or surcharges.

If a licensee fails to pay any applicable fees or surcharges, the department may suspend or revoke the license or the director may issue an order.

008 Any costs incurred by the State of Nebraska that exceed the fees or surcharges collected pursuant to 002 and 003 above shall be recovered through a special assessment against those generators of waste which used the facility during the previous two years. The director shall compute the amount due from each generator based on ratio of the fees or surcharges collected by the licensee from a particular generator during the two year period to the total fees or surcharges collected by the licensee from all generators during such two year period.

008.01 Any special assessment collected pursuant to this section shall be remitted to the State of Nebraska and shall be credited to the Low-Level Radioactive Waste Cash Fund.

Enabling Legislation: Neb. Rev. Stat. §§81-15,101.01; 81-15,104 and 81-15,113.01

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